

Message Text

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INFO OCT-01 ISO-00 /003 R

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APPROVED BY: L/JWILLIS

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TO USMISSION USUN NEW YORK IMMEDIATE

C O N F I D E N T I A L STATE 221264

FOR STEPHEN M SCHWEBEL

FOLLOWING REPEAT MEXICO 8485 ACTION STATE OCT 5, 1974

QUOTE C O N F I D E N T I A L MEXICO 8485

LIMDIS

E.O. 11652: GDS

TAGS: EGEN, UNCTAD, MX

SUBJECT: U.S. VOTE ON CHARTER OF ECONOMIC RIGHTS AND DUTIES

REF: MEXICO 8484

1. I HAVE JUST SPOKEN TO MINISTER OF INTERIOR (GOVERNMENT)
MOYA PALENCIA AND WENT OVER THE POINTS IN THE SAME MANNER
AS WITH GALLASTEGUI AND LEFT WITH HIM A SIMILAR INFORMAL
MEMO. MOYA WAS PLEASED TO HAVE THIS CONVERSATION, SAYING
THAT HE HAD BEEN SOMEWHAT ALARMED AT POSSIBILITY

THAT USG COULD NO LONGER SUPPORT CHARTER. HE NOW REALIZED
THAT DIFFERENCES ESSENTIALLY WERE LIMITED TO ARTICLE 2 AND
NEWER MORE OR LESS EXTRANEIOUS MATERIAL RECENTLY INTRODUCED.

2. REGARDING ARTICLE 2, MOYA MADE POINT THAT SUPREMACY OF
NATIONAL LAW OVER CONCEPTS OF INTERNATIONAL LAW WAS SACROSANCT
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IN MEXICAN HISTORY AS WAS PROVEN BY ITS OWN EXPROPRIATION

OF FOREIGN PETROLEUM COMPANIES.

3. AT THE SAME TIME, MEXICO RECOGNIZED INTERNATIONAL LAW AND IN FACT IN HIS OPINION PROPOSED CHARTER WAS AN EFFORT TO ENLARGE CORPUS OF INTERNATIONAL LAW. THUS, HE AGREED THAT IT WAS POSSIBLE TO CONTINUE TO ATTEMPT TO FIND SOME FORMULA SUCH AS THAT AGREED TO BY RABASA/MAW OR THE BRILLANTES WORDING WHICH WOULD GIVE SATISFACTION TO BOTH SIDES. HE RECOGNIZED THAT MEXICAN DELEGATION PERHAPS HAD NOT BEEN ENERGETIC ENOUGH IN ATTEMPTING TO PERSUADE THE THIRD WORLD, BUT POINTED OUT THAT MEXICO AS THE PROPONENT WAS IN A PARTICULARLY DELICATE SITUATION VIS-A-VIS BOTH SIDES.

4. HE OBSERVED THAT IT MIGHT BE DIFFICULT TO POSTPONE VOTE BEYOND THIS SESSION OF THE GENERAL ASSEMBLY AS MEXICO DID NOT WISH TO LOSE EITHER THE MOMENTUM OR THE FRESHNESS CONNECTED WITH THIS PROPOSAL. HE RECOGNIZED THE IMPORTANCE OF NEGOTIATIONS AND POINTED OUT WITH SOME SATISFACTION HIS OWN ROLE AT THE BUCHAREST POPULATION CONFERENCE, WHERE HE CLAIMED TO HAVE WORKED COOPERATIVELY WITH AMERICAN DELEGATION AS WELL AS OTHER SIDE IN BRINGING OUT AN AGREED TEXT. HE SAID HE WOULD SPEAK TO THE PRESIDENT AND TELL HIM OF THE STRENGTH OF OUR POINT OF VIEWS ON ARTICLE 2 AND WOULD DO HIS BEST TO ATTEMPT TO GET INSTRUCTIONS TO THE MEXICAN DELEGATION WHICH MIGHT BE HELPFUL IN REACHING A MUTUALLY AGREEABLE POSITION.

5. COMMENT: WHILE HE CLAIMED TO BE UNFAMILIAR WITH ANTECEDENTS OF NEGOTIATIONS ON CHARTER, HE SEEMED TO QUICKLY GRASP THE POINTS INVOLVED. WHILE STRESSING THE STRENGTH OF MEXICO'S OWN HISTORIC POSITION ON THE SUPREMACY OF NATIONAL LAW HE WAS FRIENDLY AND CORDIAL AND SEEMED TO BE TRULY DESIROUS OF HELPING TO BRING ABOUT AN AGREEMENT WHICH MIGHT MAKE POSSIBLE A CONSENSUS ON THE CHARTER. I STRESSED TO HIM THAT THE MEMO I HAD GIVEN HIM WAS PURELY INFORMAL

AND INTENDED ONLY TO GUIDE OUR CONVERSATION.

JOVA

UNQUOTE KISSINGER

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, DIPLOMATIC DISCUSSIONS, MEETING VOTING RECORDS, EXPLOITATION (NATURAL RESOURCES)
Control Number: n/a
Copy: SINGLE
Draft Date: 08 OCT 1974
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: elyme
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE221264
Document Source: CORE
Document Unique ID: 00
Drafter: L:JWILLIS
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740285-0470
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741063/aaaacbsf.tel
Line Count: 107
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: CONFIDENTIAL
Original Handling Restrictions: LIMDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: LIMDIS
Reference: MEXICO 8484
Review Action: RELEASED, APPROVED
Review Authority: elyme
Review Comment: n/a
Review Content Flags:
Review Date: 04 JUN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <04 JUN 2002 by boyleja>; APPROVED <11 MAR 2003 by elyme>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: U.S. VOTE ON CHARTER OF ECONOMIC RIGHTS AND DUTIES
TAGS: EGEN, PFOR, MX, US, UNCTAD
To: USUN NEW YORK
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005